

THE HONORABLE FRED VAN SICKLE

F. MIKE SHAFFER, WSBA No. 18669
BRADLEY B. JONES, WSBA NO. 17197
KENNETH G. KIEFFER, WSBA No. 10850
JOHN C. GUADNOLA, WSBA No. 08636
GORDON THOMAS HONEYWELL LLP
1201 Pacific Avenue, Suite 2100
Tacoma WA 98402-4314
253-620-6500

STEVE W. BERMAN, WSBA No. 12536
TYLER S. WEAVER, WSBA No. 29413
JENIPHR BRECKENRIDGE, WSBA No. 21410
ERIN K. FLORY, WSBA No. 16631
HAGENS BERMAN SOBOL SHAPIRO LLP
1919 8th Avenue, Suite 3300
Seattle, WA 98101
206-623-7292
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In re METROPOLITAN SECURITIES
LITIGATION

NO. CV-04-025 FVS

CLASS ACTION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

PLAINTIFFS' MOTION *IN LIMINE* TO
PRECLUDE PwC FROM ARGUING
THAT THE JURY CAN CONSIDER
DISCLOSURES MADE IN PORTIONS
OF THE REGISTRATION STATEMENTS
OTHER THAN THE FINANCIAL
STATEMENTS TO DETERMINE
WHETHER ANY MISSTATEMENT
AND/OR OMISSION WAS MATERIAL
UNDER SECTION 11

MOTION *IN LIMINE* TO PRECLUDE PwC FROM
ARGUING THAT THE JURY CAN CONSIDER
DISCLOSURES MADE IN PORTIONS OF THE
REGISTRATION STATEMENTS - 1 of 5

(CV-04-025-FVS)
[1460668 v2.doc]

LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
POST OFFICE BOX 1157
TACOMA, WASHINGTON 98401-1157
(253) 620-6500 - FACSIMILE (253) 620-6565

Hearing Date: March 3, 2010
9:00 a.m.
WITH ORAL ARGUMENT

Plaintiffs, by their undersigned counsel, move the Court for an Order granting Plaintiffs' Motion *In Limine* to Preclude PwC from Arguing that the Jury can Consider Disclosures Made in Portions of the Registration Statements Other Than the Financial Statements to Determine Whether Any Misstatement and/or Omission was Material Under Section 11. This motion is supported by the accompanying memorandum of law.

Dated this 16th day of February, 2010.

GORDON THOMAS HONEYWELL LLP

By s/ Bradley B. Jones

F. Mike Shaffer, WSBA No. 18669
Bradley B. Jones, WSBA No. 17197
Kenneth G. Kieffer, WSBA No. 10850
John C. Guadnola, WSBA No. 08636
Attorneys for Plaintiffs

HAGENS BERMAN SOBOL SHAPIRO LLP

By s/ Steve W. Berman

Steve W. Berman, WSBA No. 12536
Erin K. Flory, WSBA No. 16631
Jeniphr Breckenridge, WSBA No. 21410
Tyler S. Weaver, WSBA No. 29413
Attorneys for Plaintiffs

MOTION *IN LIMINE* TO PRECLUDE PwC FROM
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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2010, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. The Court or the CM/ECF system will send notification of such filings to the CM/ECF participants listed below, and I will mail the same via U.S. Postal Service to the non-CM/ECF participant(s).

Alison Killen Blair at ablair@orrick.com

Andrew K Polovin at andrew.polovin@bartlit-beck.com;

anne.doyle@bartlit-beck.com

Brian Charles Frontino at bfrontino@stroock.com; lacalendar@stroock.com

Brian D Buckley at bbuckley@fenwick.com; doconnor@fenwick.com;

kroth@fenwick.com

Carl J Oreskovich at carl@ettermcmahon.com; roni@ettermcmahon.com

Charles S Wright at charleswright@dwt.com; brianspangler@dwt.com

Christopher Lind at chris.lind@bartlit-beck.com; anne.doyle@bartlit-beck.com

Christopher D Landgraff at chris.landgraff@bartlit-beck.com

Christopher G Emch at emchc@foster.com; pateb@foster.com

Daniel F Shea at dfshea@hhlaw.com

Darrell W Scott at scottgroup@mac.com; ssimatos@mac.com

David D Hoff at dhoff@tousley.com; btaylor@tousley.com

Diana Lynn Weiss at dlweiss@kslaw.com

E Joseph Giometti at jgiometti@orrick.com; jcopoulos@orrick.com;

pbenetz@orrick.com

Earl M Sutherland at esutherland@rmlaw.com; jlading@rmlaw.com

Elizabeth J Cabraser at ecabraser@lchb.com

Erin K Flory at erin@hbsslaw.com; jon@hbsslaw.com

Fabrice Vincent at fvincent@lchb.com; dclevenger@lchb.com

Gary I Grenley at ggrenley@grebb.com

George S Azadian at gazadian@stroock.com; cdusi@stroock.com

J Scott McBride at scott.mcbride@bartlit-beck.com

James Bernard King at jking@ecl-law.com; kschulman@ecl-law.com

MOTION *IN LIMINE* TO PRECLUDE PwC FROM
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1201 PACIFIC AVENUE, SUITE 2100
POST OFFICE BOX 1157
TACOMA, WASHINGTON 98401-1157
(253) 620-6500 • FACSIMILE (253) 620-6565

1 James K Barbee at jim@golbeckroth.com
2 James M Shaker at shaker@ryanlaw.com; callahan@ryanlaw.com
3 James P Cusick at jcusick@kslaw.com
4 James P McNeill, III at mcnej@foster.com
5 Jeffrey S Miller at milje@foster.com; kellie@foster.com; snydd@foster.com;
6 hickc@foster.com
7 John Degnan Munding at munding@crumb-munding.com;
8 brittany@crumb-munding.com
9 John M. Hughes at john.hughes@bartlit-beck.com
10 Julia B Strickland at jstrickland@stroock.com; tmitchell@stroock.com;
11 lacalendar@stroock.com
12 Kelly P Corr at kcorr@corrchronin.com; dpatterson@corrchronin.com;
13 reception@corrchronin.com
14 Kenneth P Herzinger at kherzinger@orrick.com
15 Kevin Daniel O'Rourke at kevin@southwellorourke.com
16 Kim D Stephens at kstephens@tousley.com; bkimsey@tousley.com
17 Leslie R Weatherhead at lwlibertas@aol.com; emilyr@wkdltlaw.com;
18 janetj@wkdltlaw.com
19 Lester C Houtz at lester.houtz@bartlit-beck.com; anne.doyle@bartlit-beck.com
20 Mark Roth at mark@golbeckroth.com
21 Mary D Manesis at mmanesis@stroock.com; cdusi@stroock.com
22 Meredith Moss at mmoss@orrick.com
23 Paul H Trincherro at ptrincherro@grebb.com
24 Peter Jennings Grabicki at pjg@randanco.com; scc@randanco.com;
25 nlg@randanco.com
26 Philip S Beck at anne.doyle@bartlit-beck.com;
susan.dandrea@bartlit-beck.com
Richard M Heimann at rheimann@lchb.com; lsimms@lchb.com
Robert J Nelson at rnelson@lchb.com
Ronald L Berenstain at rberenstain@perkinscoie.com;
jstarr@perkinscoie.com
Stellman Keehnel at stellman.keehnel@dlapiper.com;
nina.marie@dlapiper.com
Stephen M Rummage at steверummage@dwt.com; jeannecadley@dwt.com
Steve W Berman at steve@hbsslaw.com; carrie@hbsslaw.com;

MOTION *IN LIMINE* TO PRECLUDE PwC FROM
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1 heatherw@hbsslaw.com

2 Steven Fogg at sfogg@corrchronin.com; hpowell@corrchronin.com

3 Timothy L Filer at filet@foster.com; howej@foster.com

4 Tyler S Weaver at tyler@hbsslaw.com; bonneym@hbsslaw.com;
5 jeniphr@hbsslaw.com

6 

7 Legal Assistant to:

8 F. Mike Shaffer, WSBA No. 18669

9 Bradley B. Jones, WSBA No. 17197

10 Kenneth G. Kieffer, WSBA No. 10850

11 John C. Guadnola, WSBA No. 08636

12 GORDON THOMAS HONEYWELL LLP

13 1201 Pacific Avenue Suite 2100

14 Tacoma WA 98402

15 253-620-6500

16 253-620-6565

17 Co-Lead Counsel for Lead Plaintiffs

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25 MOTION *IN LIMINE* TO PRECLUDE PwC FROM
26 ARGUING THAT THE JURY CAN CONSIDER
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TACOMA, WASHINGTON 98401-1157
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PROPOSED ORDER

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1201 Pacific Avenue, Suite 2100
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ERIN K. FLORY, WSBA No. 16631
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1918 8th Avenue, Suite 3300
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EASTERN DISTRICT OF WASHINGTON

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[PROPOSED] ORDER GRANTING
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[PROPOSED] ORDER RE: MOTION *IN LIMINE* TO
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OF THE REGISTRATION STATEMENTS - 1 of 3

(CV-04-025-FVS)
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LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
POST OFFICE BOX 1157
TACOMA, WASHINGTON 98401-1157
(253) 620-6500 - FACSIMILE (253) 620-6565

Trial Date: March 15, 2010
9:00 a.m.

This matter comes before the Court on Plaintiffs' Motion *In Limine* to Preclude PwC from Arguing that the Jury can Consider Disclosures Made in Portions of the Registration Statements Other Than the Financial Statements to Determine Whether Any Misstatement and/or Omission was Material Under Section 11. Having considered the following submittals to the Court:

1. Plaintiffs' Motion *In Limine* to Preclude PwC from Arguing that the Jury can Consider Disclosures Made in Portions of the Registration Statements Other Than the Financial Statements to Determine Whether Any Misstatement and/or Omission was Material Under Section 11;

2. PwC's Opposition to Plaintiffs' Motion *In Limine* to Preclude PwC from Arguing that the Jury can Consider Disclosures Made in Portions of the Registration Statements Other Than the Financial Statements to Determine Whether Any Misstatement and/or Omission was Material Under Section 11;

3.

4.

5.

And the Court being otherwise fully advised hereby ORDERS that Plaintiffs' Motion *In Limine* to Preclude PwC from Arguing that the Jury can Consider Disclosures Made in Portions of the Registration Statements Other

[PROPOSED] ORDER RE: MOTION *IN LIMINE* TO
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GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
POST OFFICE BOX 1157
TACOMA, WASHINGTON 98401-1157
(253) 620-6500 • FACSIMILE (253) 620-6565

1 Than the Financial Statements to Determine Whether Any Misstatement
2 and/or Omission was Material Under Section 11 is hereby **GRANTED**.

3 **IT IS SO ORDERED.**

4 Dated this ____ day of March 2010.

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7 _____
8 Honorable Fred Van Sickle
9 United States District Judge

10 Presented by:

11 GORDON THOMAS HONEYWELL LLP

12 By s/ Bradley B. Jones

13 Bradley B. Jones, WSBA No. 17197
14 Kenneth G. Kieffer, WSBA No. 10850
John C. Guadnola, WSBA No. 08636
Attorneys for Plaintiffs

15 HAGENS BERMAN SOBOL SHAPIRO LLP

16 By _____
17 Steve W. Berman, WSBA No. 12536
18 Jeniphr Breckenridge, WSBA No. 21410
Tyler S. Weaver, WSBA No. 29413
Attorneys for Plaintiffs

19
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21
22
23
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25 [PROPOSED] ORDER RE: MOTION *IN LIMINE* TO
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